



PUBLIC NOTICE

Federal Communications Commission
45 L St., N.E.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>

DA 23-844
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DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF HYPERCUBE NETWORKS, LLC FROM AP VIII OLYMPUS VOTECO, LLC TO 46 LABS LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 23-306

Comments Due: September 27, 2023
Reply Comment Due: October 4, 2023

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by AP VIII Olympus VoteCo, LLC (Olympus) and 46 Labs LLC (46 Labs) (together, Applicants), pursuant to section 214(a) of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules,¹ requesting consent to transfer control of Olympus' indirect subsidiary, Hypercube Networks, LLC (Hypercube Networks), to 46 Labs.²

Hypercube Networks, a Delaware limited liability company, provides wholesale local and national tandem switching and transport services, termination services, toll-free origination services, and Direct Inbound Dial services to telecommunications and information service providers, cable telephony providers, and Voice over Internet Protocol providers in 48 states and the District of Columbia.³ Hypercube Networks is a wholly-owned direct subsidiary of Hypercube Networks Holdings, LLC (f/k/a Intrado Communications Holdings, LLC) (Hypercube Holdings), which, in turn, is managed by Olympus, both Delaware entities.

46 Labs, an Oklahoma limited liability company, along with its affiliate, Versatel, LLC (Versatel), a Delaware limited liability company, provide voice, data, and messaging services to organizations in the healthcare, finance, retail, transportation, manufacturing, government, and education sectors.⁴ Applicants state that 46 Labs is owned by the following U.S. citizens: Trevor

¹ See 47 U.S.C. § 214(a); 47 CFR §§ 63.03-04.

² Application for Consent to Transfer Control of Hypercube Networks, LLC, from AP VIII Olympus VoteCo, LLC to 46 Labs LLC, WC Docket No. 23-306 (filed Sept. 6, 2023) (Application). Applicants also filed an application for the transfer of authorizations associated with international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

³ Hypercube Networks provides service to its customers using its nationwide optical backbone network that is both IP and TDM-based. Applicants state that while Hypercube Networks owns and operates its own network equipment, it leases transmission lines (including access circuits) from other carriers.

Francis, Chief Executive Officer and founder of 46 Labs (approximately 63.4%), and Daniel Howard, Chief Legal Officer (approximately 31.2%).

Pursuant to the terms of the proposed transaction, 46 Labs will acquire all of the issued and outstanding membership interests of Hypercube Holdings, including its subsidiary, Hypercube Networks.

Applicants request streamlined treatment of the proposed transaction under the Commission's rules and assert that a grant of the application would serve the public interest, convenience, and necessity. We accept the application for streamlined filing under section 63.03(b)(2)(i) of the Commission's rules.⁵

Domestic Section 214 Application Filed for the Transfer of Control of
Hypercube Networks, LLC from AP VII Olympus VoteCo, LLC to 46 Labs LLC
WC Docket No. 23-306 (filed Sept. 6, 2023).

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before September 27 2023**, and reply comments **on or before October 4, 2023**. Pursuant to section 63.52 of the Commission's rules, 47 CFR § 63.52, commenters must serve a copy of comments on the Applicants no later than the above comment filing date. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.

Pursuant to section 63.03 of the Commission's rules, 47 CFR § 63.03, parties to this proceeding should file any documents using the Commission's Electronic Comment Filing System (ECFS): <http://apps.fcc.gov/ecfs/>.

In addition, e-mail one copy of each pleading to each of the following:

- 1) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, tracey.wilson@fcc.gov;
- 2) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, Gregory.kwan@fcc.gov; and
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

People with Disabilities: We ask that requests for accommodations be made as soon as possible in order to allow the agency to satisfy such requests whenever possible. Send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

The proceeding in this Notice shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a

⁴ Applicants state that 46 Labs does not provide domestic telecommunications services; however, its affiliate, Versatel, provides domestic long-distance service in California, Connecticut, Florida, Hawaii, Illinois, Kansas, Kentucky, Maryland, New York, North Carolina, Ohio, Oregon, Pennsylvania, Texas, Virginia, and Wisconsin.

⁵ 47 CFR § 63.03(b)(2)(i).

copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

To allow the Commission to consider fully all substantive issues regarding the application in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.⁶ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

For further information, please contact Gregory Kwan at (202) 418-1191.

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⁶ See 47 CFR § 1.45(c).